

ARTICLE 7.
ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 7.1. Zoning Administrator.

The provisions of this Ordinance shall be administered by the Zoning Administrator and any other officials designated by the Board of Commissioners for the administration of the Brunswick County Zoning Ordinance.

Section 7.2. Duties of the Zoning Administrator.

The Zoning Administrator shall have the power to grant Zoning Compliance Permits and Certificates of Occupancy and to make inspections of buildings or premises necessary to carry out the enforcement of this ordinance. In connection with the enforcement of this ordinance, the Zoning Administrator shall make all necessary determinations and interpretations as required by this ordinance. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment.

Section 7.3. Permits.

(A) Permit Required.

No excavation shall be commenced, no wall, structure, premises, or land used, building or part thereof shall be built, constructed or altered, nor shall any building be moved, nor shall any sign be erected or structurally altered (unless exempted), until application has been made and the proper permit has been obtained. When the Zoning Administrator, with the technical assistance of other County departments or upon direction by the Brunswick County Planning Board or Board of Adjustment, has determined that the proposed land use may be made under the provisions of this Code, a permit for the proposed use shall be issued.

(B) Applications.

All applications for land use permits shall be accompanied by accurate plot plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the legal description of the lot to be built upon or used; or the location of the plans as recorded by the Brunswick County Register of Deeds, the exact sizes and location on the lot of all existing buildings and accessory buildings; the lines within which the proposed building or structure shall be erected; the existing and intended use of each building or part of building and any other data deemed necessary by the Zoning Administrator to determine compliance of a proposed development with the terms of this Ordinance.

No certificate of occupancy or compliance shall be issued by the Zoning Administrator or Building Inspector until:

- (1) Applicable standards of this Ordinance have been met; or

- (2) Written assurances are provided to the Building Inspector that applicable standards of this Ordinance will be met within a reasonable period of time. Assurances shall include posting of a surety bond or submission of a notarized letter of credit for the value of the incomplete improvements required.

The Zoning Administrator shall be responsible for determining compliance with any applicable standard of this Ordinance not under the purview of the Building Inspector or other state or county agency.

For nonresidential use: In addition to the above, the following information shall accompany all applications:

- (1) Properly completed checklist to include the following:
- (2) Driveway entrance permit from North Carolina Division of Highways, District Engineer.
- (3) Location of signs, if any, including ownership and type (identification, commercial, or those not requiring a permit).
- (4) Whether excavation, clearing of ground, or moving of earth other than that actually required for the building, is expected to occur.
- (5) DCM approval DEM Stormwater – Sedimentation, DCM and all other stated county agency approval. Environmental Health.

(C) Permits In Flood Hazard Areas.

All requirements of the Brunswick County Flood Damage Prevention Ordinance shall be met.

(D) Permit Revocation.

The Zoning Administrator may revoke any permit or other authorization granted under this ordinance for failure to comply with the provisions of this ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law. If the Zoning Administrator determines an imminent hazard exists, he may summarily revoke this permit.

Before revoking a permit or other authorization, the Zoning Administrator shall give the holder of the permit or authorization ten (10) days written notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation

before the Zoning Administrator. On revoking a permit or authorization, the Zoning Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it. The holder of a revoked permit or authorization may, within ninety (90) days after the revocation, submit to the Zoning Administrator a written request to reinstate the revoked permit or authorization. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this ordinance, the Zoning Administrator may reinstate the permit or authorization.

Section 7.4. Powers and Limitations of Zoning Administrator.

If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the zoning ordinance, the Zoning Administrator may issue the zoning compliance permit, however;

- (A) Issuance of a zoning compliance permit shall in no case be constructed as waiving any provisions of this ordinance.
- (B) Under no circumstances is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this ordinance to any person making application to excavate, construct, move, alter, or use either building, structure or land.
- (C) Under no circumstances is the Zoning Administrator permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out their duties.
- (D) The Zoning Administrator shall issue a permit when the imposed conditions of this ordinance are complied with the applicant regardless of whether the use of their permit would violate contractual or other arrangements, (including, but not by way of limitation, restrictive covenants) among private parties.
- (E) If an application for such permit is disapproved, the Zoning Administrator shall state in writing the cause for such disapproval.

Section 7.5. Certificates of Occupancy.

No building, structural, or zoning lot for which Zoning Compliance has been issued shall be used or occupied until Building Inspections has, after final inspection, recommended the issuance of a Certificate of Occupancy indicating compliance has been made with all the provisions of this ordinance. However, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this ordinance.

Section 7.6. Non-Conforming Use Certificates.

It shall be unlawful to maintain or continue any non-conforming use, until a non-conforming use certificate has been issued. However, non-conforming uses existing as of the effective date of this zoning ordinance shall have a six month period from the time of notification by the Zoning Administrator of being a non-conformity to obtain such certificate.

The non-conforming certificate shall indicate, the date on which the use shall be discontinued, or that the use may be continued indefinitely according to terms and limitations of the Brunswick County Zoning Ordinance.

Failure to obtain a non-conforming use certificate shall be evidence that the non-conforming use was not in lawful existence as of the effective date of the zoning ordinance or any amendment thereto, and is not a bona-fide non-conforming use. It shall be treated as an illegal use.

Section 7.7. Fees.

Before any Zoning Compliance Permit or Certificate of Occupancy shall be issued covering building or other operations regulated by this ordinance, a fee in an amount fixed by the Board of Commissioners shall be paid.

Section 7.8. Certification of Manufactured Homes.

The Zoning Administrator shall determine that a manufactured home, date of manufacturing of manufactured home, or a model of manufactured homes meets the required criteria required by the Brunswick County Zoning Ordinance.

Section 7.9. Enforcement.

(A) Purpose.

This Section sets forth the procedures by which the County seeks correction of violations of this Ordinance. It also sets forth the remedies and penalties the County may apply where necessary to ensure correction of violations. The provisions in this section are intended to encourage the voluntary correction of violations.

(B) Violations.

Any failure to comply with a requirement, prohibition, or limitation imposed by the provisions of this Ordinance, or the terms and conditions of any permit or other authorization granted pursuant to this Ordinance, shall constitute a violation of this Ordinance.

(C) Responsible Persons.

One or more of the following persons may be held responsible for a violation of this Ordinance and be subject to the remedies and penalties provided in this section:

- (1) An architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance, and
- (2) An owner of the property on which a violation of this Ordinance occurs, or any tenant or occupant of that property who has control over, or responsibility for, its use or development.

(D) Enforcement Procedures.

(1) Investigation.

On receiving complaints or other information suggesting a violation of this Ordinance, the Zoning Administrator shall investigate the situation and determine whether a violation exists.

(2) Initial Notice of Violation.

On determining that a violation exists, the Zoning Administrator shall give the responsible person(s) written notice of the violation by personal delivery, certified or registered mail, return receipt requested. If after reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by personal delivery or certified or registered mail, then service may be had by posting the written notice upon the property in a conspicuous place for a period of not less than ten (10) days. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Administrator within ten days after service of said notice upon him/her to discuss the violation and how it may be corrected. The Zoning Administrator may provide the alleged violator additional written notices of violation.

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(3) Final Notice of Violation; Correction Order.

The Zoning Administrator's final written notice of violation (which may be the initial notice) shall be served upon the responsible person(s) in the same manner as the Initial Notice of Violation and shall also order correction of the violation not to exceed thirty (30) days, state which of the remedies and penalties authorized in Subsection E the Zoning Administrator may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment.

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(4) Appeal to the Board of Adjustment.

Any person aggrieved by the Zoning Administrator's determination of a violation or correction order may appeal that determination or order to the Board of Adjustment in accordance with the provisions of Section 3.3. As provided by that section, an appeal generally stays all further actions to enforce a correction order until the Board of Adjustment has decided the appeal.

If the recipient of a correction order does not appeal the order to the Board of Adjustment within the time limit specified in Section 3.3, that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty specified in the order.

(5) Extension of Time Limit to Correct Violation.

The recipient of a correction order, or the owner of the property on which the violation occurs, may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

(6) Enforcement Action After Time Limit to Correct Violation.

Following the time limit for correction of the violation, including any stay or extension thereof, the Zoning Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Zoning Administrator shall take no further action against the alleged violator. If the violation has not been corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties specified in the correction order.

(7) Emergency Enforcement Without Notice.

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Subsection E.

(E) Remedies And Penalties.

The Zoning Administrator may pursue one (1) or more of the following remedies and penalties to prevent, correct, or abate a violation of this ordinance. Use of one (1) of the authorized remedies and penalties does not preclude the Zoning Administrator from using any other authorized remedies or penalties, nor does it relieve any party to the

imposition of one (1) remedy or penalty from imposition of any other authorized remedies or penalties.

(1) Permit Revocation.

In accordance with the provisions of Section 7.3 of this Ordinance and the provisions of N.C.G.S. 153A-362, the Zoning Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

(2) Permit Denial.

As long as a violation of this Ordinance remains uncorrected, the Zoning Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

(3) Civil Penalty.

Violation of this Ordinance subjects the violator to a civil penalty in the amount of one hundred dollars (\$100.00). The Zoning Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested. The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the County within ten (10) days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Zoning Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the correction order (or the receipt of the citation itself in the case of emergency enforcement) shall constitute a separate violation that subjects the violator to additional civil penalty.

(4) Criminal Penalty.

As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00).

(5) Injunction and Abatement Order.

The Zoning Administrator may institute action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the

violator to correct or cease a violation of this Ordinance. Under Section 153A-123 of the North Carolina General Statutes, if the violator fails to comply with a court injunction or order of abatement and the County executes the order, the County will have a lien on the property on which the violation occurred for the County's costs in executing the order.

(6) Other Equitable Relief.

In addition to the above remedies and penalties, the Zoning Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.